



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

JOHN D. CHERRY, JR.
LT. GOVERNOR

EXECUTIVE ORDER
No. 2007 – 43

**MICHIGAN INTERAGENCY COORDINATING COUNCIL FOR
INFANTS AND TODDLERS WITH DEVELOPMENTAL DISABILITIES**

DEPARTMENT OF EDUCATION

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that the Governor shall take care that the laws be faithfully executed;

WHEREAS, the State of Michigan recognizes the importance of maximizing the potential for individuals with developmental disabilities to live independently in society;

WHEREAS, the State of Michigan recognizes the special needs of infants and toddlers with developmental disabilities and their families;

WHEREAS, effective coordination of federal, state and local resources is needed to identify, evaluate, and meet the needs of all children, particularly minority, low-income, inner city, and rural children, and of infants and toddlers in foster care, to provide assistance and services enabling infants and toddlers with developmental disabilities to reach their developmental potential;

WHEREAS, the State of Michigan has an obligation to enhance the development of infants and toddlers with developmental disabilities, to minimize their potential for developmental delay, and to recognize the significant brain development that occurs during a child's first three years of life;

WHEREAS, the need for special education and related services for children of school age can be reduced by providing assistance to infants and toddlers with developmental disabilities and their families;

WHEREAS, the State of Michigan can enhance the capacity of families to meet the special needs of their infants and toddlers with developmental disabilities;

WHEREAS, early intervention can minimize the need for special education services for children with developmental disabilities in their later years and greatly improve their quality of life;

WHEREAS, the provision of assistance early in life will enhance the ability of infants and toddlers with developmental disabilities to live independently as they mature to adulthood;

WHEREAS, Executive Order 1992-21 established the Governor's Interagency Coordinating Council for Handicapped Infants and Toddlers;

WHEREAS, Executive Order 1994-18 rescinded Executive Order 1992-21 and established a new Governor's Interagency Coordinating Council for Handicapped Infants and Toddlers;

WHEREAS, under the Individuals with Disabilities Education Improvement Act of 2004, 20 USC 1400 to 1444, each state seeking federal financial assistance for infants and toddlers with developmental disabilities must establish a state interagency coordinating council;

WHEREAS, replacement of the Governor's Interagency Council for Handicapped Infants and Toddlers with the new Michigan Interagency Coordinating Council for Infants and Toddlers with Developmental Disabilities is necessary to reflect the current organizational structure of state government and to comply with federal law;

WHEREAS, creation of the Michigan Interagency Coordinating Council for Infants and Toddlers with Developmental Disabilities will advise and assist in the development and implementation of a statewide, comprehensive, coordinated, multidisciplinary, interagency system that provides early intervention services for infants and toddlers with disabilities and their families;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

A. "Council" means the Michigan Interagency Coordinating Council for Infants and Toddlers with Developmental Disabilities established by this Order.

B. "Department of Education" or "Department" means the principal department of state government created under Section 300 of the Executive

Organization Act of 1965, 1965 PA 380, MCL 16.400, and includes the State Board of Education and the Superintendent of Public Instruction.

C. "IDEA" means the federal Individuals with Disabilities Education Improvement Act of 2004, 20 USC 1400 to 1444.

D. "Infant or toddler with a disability" means that phrase as defined under Section 632(5) of IDEA, 20 USC 1432(5).

II. CREATION OF THE MICHIGAN INTERAGENCY COORDINATING COUNCIL FOR INFANTS AND TODDLERS WITH DEVELOPMENTAL DISABILITIES

A. The Department of Education is designated as the lead agency for the State of Michigan for the purposes of Section 635(a)(1) of IDEA, 20 USC 1435(a)(10).

B. The Michigan Interagency Coordinating Council for Infants and Toddlers with Developmental Disabilities is created within the Department.

C. As required by Section 641 of IDEA, 20 USC 1441, the members of the Council shall be appointed by the Governor, and in making the appointments, the Governor shall ensure that the membership of the Council reasonably represents the population of this state.

D. The Council shall consist of 21 members, including all of the following:

1. The following members appointed by the Governor:

a. Five parents of infants or toddlers with disabilities or children with disabilities less than 13 years old at the time of appointment with knowledge of, or experience with, programs for infants and toddlers with disabilities. Not less than 1 of the members appointed under this paragraph shall be a parent of an infant or toddler with a disability or a child with a disability less than 7 years old at the time of appointment.

b. Five individuals representing public or private providers of early intervention services. As used in this paragraph, "early intervention services" means that phrase as defined under Section 632(4) of IDEA, 20 USC 1432(4).

c. One individual representing the Michigan Legislature.

d. One individual representing Head Start programs.

e. One individual representing individuals involved in personnel preparation. As used in this paragraph, "personnel preparation" means that phrase as used in IDEA.

f. Three other individuals selected by the Governor. A member appointed under this paragraph may include a representative of a tribal government located within this state.

2. The Superintendent of Public Instruction, or his or her designee from within the Department of Education.

3. The Director of the Department of Community Health, or his or her designee from within the Department of Community Health.

4. The Director of the Department of Human Services, or his or her designee from within the Department of Human Services.

5. The Commissioner of the Office of Financial and Insurance Services, or his or her designee from within the Office of Financial and Insurance Services.

6. The Director of the Office of the Coordinator of Education for Homeless Children and Youth within the Department, or his or her designee from within the Office of the Coordinator of Education for Homeless Children and Youth.

E. Of the members initially appointed by the Governor under Section II.C.1, 4 members shall be appointed for a term expiring on October 31, 2008, 4 members shall be appointed for a term expiring on October 31, 2009, 4 members shall be appointed for a term expiring on October 31, 2010, and 4 members shall be appointed for a term expiring on October 31, 2011. After the initial appointments under this paragraph, members shall be appointed for a term of 4 years.

F. A member of the Council shall continue to serve until a successor is appointed and qualified. A vacancy on the Council occurring other than by expiration of a term shall be filled by the Governor in the same manner as the original appointment for the balance of the unexpired term.

III. CHARGE TO THE COUNCIL

A. The Council shall act in an advisory capacity and shall do all of the following:

1. Advise and assist the Department with all of the following:

a. The performance of responsibilities under Section 635(a)(10) of IDEA, 20 USC 1435(a)(10), particularly, identification of sources of fiscal and other

support services for early intervention programs, the assignment of financial responsibility to appropriate agencies and the promotion of interagency agreements.

2. Advise and assist the Department in the preparation of applications for financial and other assistance and amendments to the applications.

3. Advise and assist the Department regarding the transition of toddlers with disabilities to preschool and other appropriate services;

B. The Council may advise and assist the Department regarding the provision of appropriate services for children from birth through the age of 5.

C. The Council may advise state departments and agencies and other appropriate agencies regarding the provision of the integration of services for infants and toddlers with disabilities and at-risk infants and toddlers, and their families, regardless of whether at-risk infants and toddlers are eligible for early intervention services in this state. As used in this paragraph, "at-risk infant or toddler" means an individual under 3 years of age at risk of experiencing a substantial developmental delay if early intervention services are not provided to the individual.

D. The Council shall prepare and submit an annual report to the Governor and the United States Secretary of Education on the status of early intervention programs operated within this state for infants and toddlers with disabilities and their families.

E. The Council shall provide other information or advice as directed by the Governor.

IV. OPERATIONS OF THE COUNCIL

A. The Council shall be staffed and assisted by personnel from the Department. Any budgeting, procurement, and related management functions of the Council shall be performed under the direction and supervision of the Superintendent of Public Instruction.

B. The Governor shall designate a member of the Council other than the Superintendent of Public Instruction to serve as its Chairperson at the pleasure of the Governor.

C. The Council may select from among its members a Vice-Chairperson.

D. The Council shall select from among its members a Secretary. Council staff shall assist the Secretary with recordkeeping responsibilities.

E. A majority of the members of the Council serving constitutes a quorum for the transaction of the Council's business. The Council shall act by a majority vote of its serving members.

F. The Council shall conduct its business in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275.

G. As required under Section 641(f) of IDEA, 20 USC 1441(f), a member of the Council shall not cast a vote on any matter that is likely to provide a direct financial benefit to the member or otherwise create the appearance of a conflict of interest under Michigan law.

H. The Council shall adopt procedures consistent with state and federal law and this Order governing its organization and operations and may establish committees and request public participation on advisory panels as the Council deems necessary. The Council also may adopt, reject, or modify any recommendations proposed by committees or advisory panels.

I. The Council shall meet not less than once every 3 months and at the call of the Chairperson, according to procedures adopted by the Council.

J. In developing recommendations, the Council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Council also may consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

K. The Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties, as the Superintendent of Public Instruction deems advisable and necessary, in accordance with this Order, and the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

L. The Council may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations shall be expended in accordance with applicable laws, rules, and procedures.

M. Subject to the approval of the Governor, the Council may prepare and approve a budget using funds provided under Part C of IDEA to do 1 or more of the following:

1. Conduct hearings and forums.
2. Reimburse members of the Council for reasonable and necessary expenses for attending Council meetings and performing Council duties, including,

but not limited to child care for parents of infants or toddlers with developmental disabilities serving as members of the Council.

3. Pay compensation to a member of the Council if the member of the Council is not employed or must forfeit wages from other employment when performing official Council business.

4. Hire staff or obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out the functions of the Council under Part C of IDEA, consistent with applicable statutes, rules, and procedures of the Civil Service Commission.

N. Members of the Council shall refer all legal, legislative, and media contacts to the Department.

V. RESCISSION OF EXECUTIVE ORDER 1994-18

A. Executive Order 1994-18 is rescinded. Executive Order 1992-21 remains rescinded.

B. The Governor's Interagency Coordinating Council for Handicapped Infants and Toddlers is abolished.

VI. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Council, or to any member or representative of the Council, any necessary assistance required by the Council, or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or investigation of the Council.

B. Any rules, orders, contracts, and agreements relating to the functions of the Council lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or repealed.

C. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order.

This Order is effective upon filing.



Given under my hand and the Great Seal of
the State of Michigan this 19th day of
November, in the year of our Lord, two
thousand and seven.



JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:



SECRETARY OF STATE

FILED WITH SECRETARY OF STATE

ON 11-19-07 AT 3:22pm